

March 7, 1973

we get everybody that wants to vote on the advancement of LB 194 from general file? Are you all through voting on that issue? Okay, Senator Syas.

SENATOR SYAS: I move the call be raised, there is 26 cause I counted.

SPEAKER: The motion now is to raise the call, all those in favor of raising the call, vote aye, all those opposed vote no. The motion is to raise the call. Okay, Senator Whitney voting aye on the original motion.

CLERK: Senator Whitney voting aye.

SPEAKER: The motion you are voting on here now is to raise the call. Thank you. The Clerk will record.

CLERK: 32 ayes, 1 nay to raise the call.

SPEAKER: The call is raised. Anybody else want to vote before we announce the vote on the original question? Okay announce the vote on the original question.

CLERK: 27 ayes, 9 nays, remainder not voting.

SPEAKER: Alright LB 194 is advanced from general file to E&R initial. That moves us to the general file consideration of 146. Senator Chambers bill. What's the condition of the bill?

CLERK: LB 146 Title Read. There are no committee amendments or other amendments.

SPEAKER: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the legislature, this is a non controversial bill, that may seem factious but in reality it is not. All it does is remove from the statutes of Nebraska all references to the death penalty. Since the recent opinion by the U. S. Supreme Court, the death penalty as currently practiced in states throughout this country has been rendered unconstitutional. Therefore, any language in the statutes relating to the death penalty is obsolete. This bill is in the nature of a revisor's statute, at the committee hearing there was no controversy rendered. As a matter of fact the Attorney General who favors the death penalty of some sort, advocated or endorsed the procedure that I was undertaking here, and at a very recent hearing March 1st before the Judiciary Committee, the Attorney General and I sent a copy of the statement around to your desks made the comment that he hoped this bill will pass very soon. He said that it would help straighten out some additional problems relating to the laws on kidnapping in the state, so I believe that this bill should be passed. I also, after any discussion that might occur will ask that the emergency clause be added and that the bill be expedited and I believe that this would meet with the approval of the Attorney General based on the opinions he has expressed to date, therefore I would move that LB 146 be advanced to E&R initial.

SPEAKER: Is there any further discussion of the bill? Senator Carpenter.

SENATOR CARPENTER: Well only to say, I have no opposition to this bill, there is another bill which will attempt to do something about the death penalty, and I presume there is no harm in wiping off the books those things which the court has said apparently we couldn't do, and so I don't think the body ought to believe that because of this we are not going to have the opportunity to have some penalty for a death under certain circumstances.